

REMARKS/ARGUMENTS

Claims 1 through 15 are pending in the application. Claims 1 and 12 are the two independent claims. Claims 2 through 11 depend from claim 1 and claims 13 through 15 depend from claim 12.

In the Action, the Office failed to place the Examiners' initials adjacent to German Search Report Application No.: 101 06 137.4-35 dated October 29, 2001 that was duly cited by Applicant in an Information Disclosure Statement dated May 21, 2002. Pursuant to MPEP § 609, Applicant requests appropriate correction by the Office.

In the Action, the Office rejected claim 1 through 15 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended independent claims 1 and 12 to solely correct the antecedent basis of the claim elements and to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, reconsideration of the rejection of claims 1 and 12 are respectfully requested. Claims 2 through 11 depend from claim 1. Claims 13 through 15 depend from claim 12. Reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph rejection of claims 2 through 11 and 13 through 15 are respectfully requested as these claims now conform with 35 U.S.C. § 112, second paragraph.

In the Action, claims 1 through 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No.: 5,066,118 to Buerli (hereinafter "Buerli") in view of United States Patent No.: 5,170,775 to Tagami (hereinafter "Tagami"). In response, Applicant submits that the cited and relied upon Buerli, Tagami, and the combination thereof do not support a prima facie rejection of obviousness under 35 U.S.C. sec. 103(a). Applicant submits that Buerli, Tagami, and the combination thereof neither describe nor suggest claims 1 through 15. Applicant respectfully traverses this rejection of claims 1 through

15 on the grounds that (a) there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and (b) Buerli, Tagami, and the combination thereof do not render applicants' claimed invention obvious.

Claim 1 discloses, *inter alia*, a device for measuring or checking components of optical networks. The device has an optical port through which an optical line with measuring and/or test equipment is optically connectable. The device has a first connector element. The first connector element is for accommodating a complementary second connector element. The complementary second connector element is attachable to an optical coupling. The first connector element is connected to a first end of a tube-shaped connection element. The tube-shaped connection element is connected to the optical port with a second end with the second end being opposite the first end. The tube-shaped connection element is reversibly three-dimensional bendable.

Buerli discloses, *inter alia*, a device for detecting faults in an optical fiber. The device has a light source, an optical coupler, a receiver connected to the optical coupler, and a processor. The processor is for detecting a backscattering and reflections caused by a propagation of a light pulse through the optical fiber. The device further has a filter. The filter is for removing the reflections from an optical signal. The device does disclose an optical port for receiving an optical fiber to be tested.

Tagami discloses, *inter alia*, an endoscope for inspecting an automobile battery. The endoscope has an operating section and an electrically isolated insertable section for insertion into an object to be inspected. The insertable section is connected to the operating section. The insertable section further has a portion in which an electro-conductive member is exposed.

The insertable section is electrically isolated from the operating section. The endoscope further has a light source. The light source is fitted to a holding part. The electrically isolated insertable section further has an insulating member. The insulating member is in a path between an electro-conductive

member and the operating section for electrically insulating the electro-conductive member and the operating section so that even when the insertable section touches a non-earthed section of an automotive battery, no electricity will conduct and the operator and observer will not be injured. (See column 2, lines 17 through 39).

Buerli, Tagami, and the combination thereof neither describe nor suggest any device for measuring or checking components of optical networks with the first connector element is connected to a first end of a tube-shaped connection element. Buerli, Tagami, and the combination thereof also neither describe nor suggest any tube-shaped connection element, let alone one connected to the optical port with a second end being opposite the first end and the tube-shaped connection element being reversibly three-dimensional bendable.

Moreover, applicant contends that Tagami is improperly cited non-analogous art for combining with Buerli. The Office must determine what is analogous prior art for the purpose of analyzing the obviousness of the subject matter at issue. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. See *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. See *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993). Clearly, Tagami is not concerned nor does it discuss any known problems in the art with regard to any device for measuring or checking components of optical networks as claimed in claim 1. In contrast, Tagami is concerned with safety issues and durability issues

with regard to an inspection of a battery of an automobile and the attendant risks with inspection of the poles of the automotive battery. (See column 1, line 52 through column 2, line 13. Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Claim 2 through 11 depend from claim 1 and are patentable for at least the reasons discussed above for claim 1. Reconsideration and withdrawal of the rejection of claims 1 through 11 are respectfully requested.

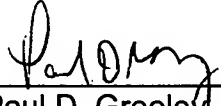
Claim 12 discloses a connection element for a device for measuring or checking components of optical networks. The connection element has a tube shaped body. The tube shaped body is reversibly three-dimensional bendable. The tube shaped body optically connects a first connector element at a first end of the tube shaped body and a second featured coupling element at a second end of the tube shaped body. The second featured coupling element is connectable to a complementary first coupling element with the complementary first coupling element formed with an optical port of the device. The first connector element is connectable to a complementary second connector element with the complementary second connector element being located at an optical line. The optical line is optically connectable with the port of the device through the connection element.

Buerli, Tagami, and the combination thereof do not disclose or suggest any such claimed connection element having a tube shaped body, let alone one with the tube shaped body being reversibly three-dimensional bendable. Buerli, Tagami, and the combination thereof do not disclose or suggest any such tube shaped body optically connecting a first connector element at a first end of the tube shaped body and a second featured coupling element at a second end of the tube shaped body. Thus, reconsideration and withdrawal of the rejection of claim 12 are respectfully requested.

Claims 13 through 15 depend from claim 12 and are patentable for at least the reasons discussed above for claim 12. It is applicant's belief that claims 1 through 15 are all patentable and in condition for allowance. Claims 9 through 11 were amended solely to remove a number of abbreviations that existed in the claims. No new matter has been added. Accordingly, applicant respectfully requests favorable consideration and that the application be passed to allowance.

Respectfully Submitted,

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